

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

GLENN COOK,

Petitioner,

VS .

JACK MORGAN,

Respondent.

No. 06-2260-B/An

## ORDER FOR RESPONDENT TO FILE RECORD AND TO RESPOND

Petitioner Glenn Cook, Tennessee Department of Correction prisoner number 279188, an inmate at the Wayne County Boot Camp in Clifton, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2254 on April 25, 2006, along with a motion seeking leave to proceed in forma pauperis.<sup>1</sup>

It is ORDERED, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, that respondent Jack Morgan file a response to the petition within twenty-three (23) days. The response shall include the complete record before the trial court, and the complete trial and appellate court record in connection with Cook's state petition for

<sup>1</sup> The Court issued an order on May 16, 2006 that denied leave to proceed in forma pauperis and directed Cook to pay the habeas filing fee within thirty days. In fact, Cook had paid the filing fee on May 3, 2006 but, due to an oversight by the Clerk, the payment was not recorded on the docket.

collateral relief. The response shall address whether, in light of the length of time the postconviction petition has been pending, the exhaustion requirement should be waived, in light of Turner v. Bagley, 401 F.3d 718, 722, 724-25 (6th Cir. 2005), or, in the alternative, whether 28 U.S.C. § 2254(b)(1)(B) is applicable in this case.

IT IS SO ORDERED this 6<sup>th</sup> day of June, 2006.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE